



This is the 1st affidavit  
of Michael Lantz in this matter  
and was made on 12/August/2013

No L-031494  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

COLLEGE OF DENTAL SURGEONS OF BRITISH COLUMBIA

PLAINTIFF

AND:

TUNG SHENG WU, also known as DAVID WU

DEFENDANT

**AFFIDAVIT**

1, Michael Lantz, of 547 – 1917 West 4<sup>th</sup> Avenue, in the City of Vancouver, in the Province of British Columbia, private investigator, SWEAR THAT:

1. I am a licensed private investigator and the Manager of Investigations at Focus Solutions Group (“Focus”), an investigation firm retained by the Applicant, the College of Dental Surgeons of British Columbia (the “College”) for the investigation of this matter. Accordingly, I have personal knowledge of the facts and matters to which I hereinafter depose. Where I make statements in this affidavit that are not within my personal knowledge, I have identified the source of that information and belief. I believe that all of the information to which I have deposed is true.
2. My personal experience in the field of private investigation, and the College’s retainer of Focus, is set out in my Affidavit #1 in *College of Dental Surgeons of British Columbia v Wu*, BCSC Vancouver Registry No S-133883 (the “2013 Proceedings”). in this matter. In addition, my experience executing the search warrant at 4319 Southwood Street in Burnaby, and my efforts at locating Mr Wu after the search and up to July 24, 2013, is

described in my Affidavits #2 and 3 in the 2013 Proceedings. I adopt all of the evidence in those Affidavits.

3. In the course of my earlier investigation of Mr Wu, I came across documents that linked him with the residential address: 2546 Dahlia Court in Coquitlam, British Columbia. In particular, I found:
  - (a) a Violation Ticket issued by the Coquitlam RCMP, indicating that Tung-Sheng Wu was speeding in a school zone on the morning of April 5, 2012, and which gives his address as 2546 Dahlia Court; and
  - (b) an invoice addressed to "T Wu" at that same address.

I attach copies of these documents, respectively, as **Exhibits "A"** and **"B"** to this Affidavit.


4. Also in the course of my investigation, I formed a reason to believe that Mr Wu is leaving Vancouver for Toronto or another jurisdiction. In particular, in the course of surveillance on the afternoon of Thursday, August 8, 2013, I observed the 2013 Acura RDX that I ascertained from earlier investigations to be Mr Wu's, travelling eastbound on Lougheed Highway near Pinetree Way in Port Coquitlam. From my observations, it appeared that the driver was male and, although the driver was wearing a baseball cap, I believe it is likely that it was Mr Wu (whom I have seen on previous occasions).
5. I followed the vehicle and saw it arrive at 1281 Amazon Drive in Port Coquitlam, which I believe to be the home of Catherine (Cathy) Wang, an individual who my earlier investigation indicates is associated with Mr Wu. I attach as **Exhibit "C"** to this Affidavit a photograph of the 2013 Acura RDX parked at the Amazon Drive address.
6. Two Focus employees were conducting surveillance of the Amazon Drive address on the evening of Friday, August 9, 2013. They telephoned me Friday night and told me that Mr Wu's 2013 Acura RDX had been picked up by representatives of a company called J-

Link Transportation. Based on that information, I personally attended the shipping facility of J-Link Transportation on Friday night.

7. At the J-Link Transportation facility, I saw J-Link employees measuring the vehicle and preparing to load it on a flat-deck truck. I concluded from this that the vehicle itself, rather than simply its contents, was being shipped from Vancouver.
8. I approached and spoke to an individual who introduced himself to me as a J-Link Transportation employee. He would not give me his name. This person initially told me that the vehicle was being shipped to Toronto. I believe that information to be true. The person later told me that the vehicle would be subsequently shipped from Toronto to China, but in my view the particulars of that statement are implausible. I believe that the person was not being truthful and was trying to mislead me.
9. Nevertheless, and out of an abundance of caution, I decided to phone the RCMP to report the potential that the vehicle, which I knew from earlier investigations to be leased, was being shipped out of the country in circumstances that may amount to theft. After some time, RCMP Corporal Stephanie Ashton attended at the J-Link Transportation facility. I heard her engage in some discussion with the same individual who had introduced himself to me as an employee. To Cpl Ashton, this person identified himself in fact as the owner of J-Link Transportation.
10. During my investigation at J-Link Transportation, I made an inspection of the vehicle. It was full of clothes, suitcases, what appeared to be dental supplies, and the same brand of paper cups as I observed during the search of 4319 Southwood Street in Burnaby. I attach, as Exhibit "D" to this Affidavit, copies of six photographs that I took of the inside of the vehicle, including boxes bearing a label indicating that it was shipped from Sinclair Dental Supply Co Ltd to an address in Port Coquitlam.

11. I make this Affidavit in support of the College's application to have Mr Wu found in contempt of court.

SWORN BEFORE ME in the City )  
 of Vancouver, in the Province of British )  
 Columbia, this 12th day of August, )  
 2013. )

  
 A Commissioner for taking Affidavits )  
 in British Columbia )

  
 MICHAEL LANTZ

**Jacqueline D. Hughes**  
*Barrister & Solicitor*  
 Hunter Litigation Chambers  
 2100 - 1040 West Georgia Street  
 Vancouver, B.C. V6E 4H1  
 Telephone: 604-647-3544



# BRITISH COLUMBIA

Offence Act

## VIOLATION TICKET

60/30  
AH58180804

### ISSUED TO:

SURNAME OR CORPORATE NAME <u>Wu</u>		<input type="checkbox"/> YOUNG PERSON	
GIVEN NAMES (OR CORPORATE NAME CONTINUED) <u>Tung-Shan</u>		<input type="checkbox"/> MM <input type="checkbox"/> UD	
PROV. / STATE <u>B.C.</u>	DRIVER'S LICENCE NUMBER <u>1023516</u>	PRODUCED <u>Y</u>	EXPIRY <u>2017</u>
ADDRESS <u>2546 Dahlia Court</u>		GENDER <u>M/F</u>	<input type="checkbox"/> CHANGE OF ADDRESS
CITY <u>Coquitlam</u>	PROV. / STATE <u>B.C.</u>	POSTAL / ZIP CODE <u>V3E2P1</u>	

THE ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED AS:

<input checked="" type="checkbox"/> DRIVER	<input type="checkbox"/> CYCLIST	<input type="checkbox"/> OWNER (Per Section 83(2) of the Motor Vehicle Act)
<input type="checkbox"/> PEDESTRIAN	<input type="checkbox"/> PASSENGER	<input type="checkbox"/> OTHER

ON OR ABOUT 2013 04 05 AT THE TIME OF 11:22

ON Longdowne Dr / Charles Hill Dr  
(HIGHWAY OF APPLICABLE)  
Coquitlam IN THE PROVINCE OF BRITISH COLUMBIA

WHAT THE OFFENCE(S) INDICATED, UNDER THE FOLLOWING ACT OR ITS REGULATIONS:

<input type="checkbox"/> (MVA) MOTOR VEHICLE ACT	<input type="checkbox"/> (MVA) WILDLIFE ACT	<input type="checkbox"/> (LCA) LIQUOR CONTROL & LICENCING ACT
<input type="checkbox"/> (CAA) MOTOR CARRIER ACT	<input type="checkbox"/> (FAA) FIREARM ACT	<input type="checkbox"/> (CCM) TRANSIT CONDUCT & SAFETY REGS.
<input type="checkbox"/> (CTA) COMMERCIAL TRANSPORT ACT	<input type="checkbox"/> OTHER (SPECIFY)	

DESCRIPTION OF OFFENCE(S)	ACT / REGS	TICKETED AMOUNT
<u>Spent in school zone</u>	<u>MVA</u> <input checked="" type="checkbox"/> ACT <input type="checkbox"/> REGS	<u>147.00</u>
	<input type="checkbox"/> ACT <input type="checkbox"/> REGS	\$
	<input type="checkbox"/> ACT <input type="checkbox"/> REGS	\$

This is Exhibit referred to in the affidavit of Michael Lentz made before me on this 12th day of August, 2013

A Commissioner for taking Affidavits for British Columbia  
THIS TICKETED AMOUNT CONSISTS OF THE FINE FOR THE ALLEGED OFFENCE AND A 15% VICTIM SURCHARGE LEVY.

INVOLVING THE VEHICLE BEARING LICENCE PLATE <u>Wu</u>	PROV. / STATE <u>B.C.</u>	PLATE NUMBER <u>66850H</u>	NSC PUJ	NSC NUMBER
REGISTERED OWNER NAME <u>Pei-Hsien</u>				
VEHICLE MAKE <u>Honda</u>	TYPE <u>Rdx</u>	COLOUR <u>Grey</u>	YEAR <u>2008</u>	ACCIDENT <u>Y/N</u>

IF YOU WISH TO DISPUTE ANY ALLEGATIONS OR FINE AMOUNT ON THIS VIOLATION TICKET, YOU MAY DELIVER A NOTICE OF DISPUTE TO:

**Port Coquitlam Driver's Licensing Centre**  
1930 Oxford Connector, Port Coquitlam, B.C. V3C 0A4  
BRITISH COLUMBIA

OR MAIL OR DELIVER A NOTICE OF DISPUTE AS DESCRIBED ON THE REVERSE.

PROVINCIAL COURT HEARING LOCATION <u>Port Coquitlam, B.C.</u>	DATE OF SERVICE <u>2013 04 05</u>
--	--------------------------------------

ENF. OFFICER'S # 168865 ORGANIZATION / DETACHMENT / LOCATION: Coquitlam R.C.M.P.

SHADED AREAS OF THIS TICKET ARE NOT PART OF THE OFFENCE CHARGED

ENFORCEMENT OFFICER'S SIGNATURE  
[Signature]

IF THE ALLEGATIONS OR FINES ARE NOT DISPUTED (SEE REVERSE) WITHIN 30 DAYS, THIS TICKET WILL BE TREATED AS NOT DISPUTED. YOU WILL BE DEEMED TO HAVE PLEADED GUILTY TO THE ALLEGED OFFENCE(S) AND TO OWE THE CROWN THE TICKETED AMOUNTS. YOUR SIGNATURE INDICATES YOU HAVE RECEIVED THIS TICKET AND IS NOT AN ADMISSION OF GUILT.

ALLEGED OFFENDER'S SIGNATURE

2

This is Exhibit B referred to in the  
affidavit of Michael Lantz  
made before me on this 12<sup>th</sup>  
day of August, 2013  
A Commissioner for taking  
Affidavits for British Columbia

PTLCS01A E S 17120  
000000076 52(H)

T WU  
BSMT  
2546 DAHLIA CRT  
COQUITLAM BC V3E 2P1

# 812758878 QST# 1211642781

1311119001

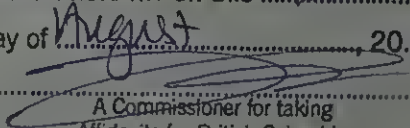
Capital One

5/3

This is Exhibit "C" referred to in the  
affidavit of Michael Beltz  
sworn before me at Worcester  
this 12 day of August 2013

  
A.C. [Signature]  
Notary Public  
Worcester, Massachusetts



This is Exhibit D referred to in the  
affidavit of Michael Lantz  
made before me on this 12<sup>th</sup>  
day of August 2013  
  
A Commissioner for taking  
Affidavits for British Columbia



SINCLAIR DENTAL SUPPLY CO. LTD.

900 HARBOURSIDE DRIVE V7P 3T8

900 HARBOURSIDE DRIVE V7P 3T8

NORTH VANCOUVER BC

PO/ Ref: 4803284sd

Tel: 604-986-1544

Ship To:

TSENG, JOEY

#5 - 1471 PRAIRIE AVE

PORT COQUITLAM BC V3B1T3

3 ABC EXPRESS

65

Piece(s)

WGT

Route

TT

5/31/2013



50803422

Sinclair

Dental / Dr. Tseng

100 HARBOURSIDE DRIVE

NORTH VAN, BC, 604-986-1544

TSENG, JOE

45 - 1477 PRAIRIE AVENUE

PORT COQUITLAM BC

CANADA V3B 1T3









This is the 1st Affidavit  
of Alexander W. Penner in this matter  
and was made on 12/Aug/2013

No. L-031494  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

COLLEGE OF DENTAL SURGEONS OF BRITISH COLUMBIA

PLAINTIFF

AND:

TUNG SHENG WU also known as DAVID WU

DEFENDANT

**AFFIDAVIT**

I, Alexander W. Penner, of 500 – 1765 West 8<sup>th</sup> Avenue, Vancouver, Province of British Columbia, AFFIRM AS FOLLOWS:

- I. I am a dentist and a complaint investigator with the College of Dental Surgeons of British Columbia (the “College”), the Plaintiff herein, and as such have knowledge of the matters and facts here and after deposed to save where stated to be made upon information and belief and where so stated I verily believe the same to be true.

**The Petition/The Search**

2. The College is also the petitioner in a parallel matter involving the Defendant herein (*College of Dental Surgeons of British Columbia v Wu*, BCSC Vancouver Registry No S-133883) (the “Petition Action”).
3. My previous involvement in this matter is set out in detail in my Affidavit #1 filed in the Petition Action. I adopt that evidence, and state by way of summary that on

May 29, 2013, I conducted a search of premises occupied by the Defendant (the "Premises"), pursuant to the Order of Madam Justice Dillon pronounced May 28, 2013 (the "Search").

4. When I attended the Premises on the day of the Search, I hand-delivered to the Defendant copies of certain documents filed in the Petition Action: the Order of Madam Justice Dillon authorizing the Search, the Amended Petition of the College, the Notice of Hearing, and the Affidavits of Michael Lantz, Dan Zeng, and Carmel Wiseman (all filed in the Petition Action).
5. During the Search, I seized a large quantity of various dental supplies and equipment, and assorted supporting documents, including a great number of patient charts.

#### **Health risks/public notification**

6. Following the Search, I made my Affidavit #1 in the Petition Action. In my Affidavit #1, among other things, I outlined the findings of the Search and some serious health concerns that I had for any "patients" the Defendant may have treated.
7. As a result of those concerns for the health and safety of the Defendant's "patients", the College coordinated with the Fraser Health Authority (the "FHA") to notify the public about the Defendant's "dental practice" and associated health risks.
8. I understand that the purpose of the FHA's notification was to encourage all "patients" to seek testing for blood-borne diseases. The College also wanted to encourage all "patients" to see a qualified, licensed dentist to ensure that any dental work done by the Defendant, including all materials placed, was safe.
9. The FHA and the College jointly notified the public on Wednesday, August 7, 2013. Now produced and shown to me and marked as Exhibit "A" to this my Affidavit is a true copy of the College's public notification posted on its website ([www.cdsbc.org](http://www.cdsbc.org)).
10. The FHA also published a notification to the public on their website ([www.fraserhealth.ca](http://www.fraserhealth.ca)). The notification encouraged all "patients" of Mr. Wu to contact the FHA to arrange for testing for Hepatitis B, Hepatitis C, and HIV. The



FHA set up a hotline to receive calls from “patients”. Now produced and shown to me and marked as Exhibit “B” to this my Affidavit is a true copy of the FHA’s public notification posted on its website.

**Telephone conversation with Ms. B**


11. On August 8, 2013, the day after the public notification took place, I received a telephone call from a person whose mother had reportedly received dental treatment from the Defendant. Given the public and media interest in these proceedings, and to protect this person’s privacy, I will refer to this person as “Ms. B”.
12. During our telephone conversation, Ms. B advised me that her mother had received dental treatment from the Defendant for some time. Ms. B advised that the Defendant had performed extractions and provided dentures for her mother.
13. Ms. B stated that the address that the Defendant had provided treatment from is a residence located at 2546 Dahlia Court in Coquitlam. Ms. B stated that the back door of the residence is being used as the entrance for the Defendant’s “patients”.
14. Ms. B further advised me that her mother had received a phone call from the Defendant approximately two weeks ago, seeking to schedule ongoing treatment. The Defendant apparently provided two contact phone numbers: 778-828-6079 and 604-945-8837.
15. Immediately following my conversation with Ms. B, I recorded my notes and asked my assistant to create a telephone log. Now produced and shown to me and marked as Exhibit “C” to this my Affidavit is a true copy of the telephone log of my conversation with Ms. B, with her name, her mother’s name, and her phone number redacted.
16. The telephone log accurately represents my conversation with Ms. B.
17. I verily believe that Ms. B believed that the information she provided me with was true, and that her telephone call was placed out of a sincere concern for her mother’s health and the health of the Defendant’s other “patients”.

18. I am informed by Carmel Wiseman, Director of Professional Regulation for the College, and verily believe that the College attempted to obtain an affidavit directly from Ms. B, but that Ms. B was ultimately unwilling to provide one.

**Ongoing practice by the Defendant**

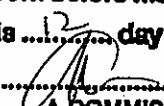
19. I have reviewed my telephone log with Ms. B (Exhibit C), and I have also reviewed the Affidavit #1 of Cathy Wall in this matter. Ms. Wall describes a conversation with three persons: I believe that the person Ms. Wall describes as "Ms. B" is the same person to whom I spoke, and it is for that reason that I have chosen "Ms. B" as the anonymous name in my Affidavit.
20. As a result of the information in Ms. Wall's Affidavit, and information I gathered pursuant to my own investigation of the Defendant, I believe that the Defendant has continued to engage in the unlawful practice of dentistry, notwithstanding that I seized extensive dentistry equipment and material from him on May 29, 2013, and notwithstanding that I hand-delivered to him the materials in the Petition Action as described above.
21. Specifically, I also note that the materials in the Petition Action that I hand-delivered to the Defendant on May 29, 2013 included a copy of the order of this Court from the herein action prohibiting him from representing himself as a dentist and/or from practising dentistry.

SWORN BEFORE ME at Vancouver )  
 British Columbia, on the 12<sup>th</sup> day )  
 of August, 2013 )

  
 \_\_\_\_\_ )  
 A commissioner for taking )  
 affidavits for British Columbia, )

(~~Gregory A. Cavouras~~) )  
 Carmel I. Wiseman

  
 \_\_\_\_\_  
 ALEXANDER W. PENNER

This is Exhibit "A" referred to in the  
affidavit of Alexander W. Penney  
sworn before me Carmel Wiseman  
this 12 day of August, 2013.  
  
A COMMISSIONER FOR TAKING  
AFFIDAVITS FOR BRITISH COLUMBIA



**CDSBC**

College of Dental Surgeons  
of British Columbia

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## News

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## Unauthorized practice shut down by CDSBC

### College alleges Burnaby man practised dentistry illegally; shut down by regulator

#### IMPORTANT NOTICE:

*Tung Sheng Wu (aka David Wu) is not a real dentist and is neither qualified nor competent to practise dentistry. He has never been registered with the College and is unrelated to any of the Dr. Wu's who have or are registered with the College. He is not the same Dr. David H. Wu who formerly practised out of an office on Hastings Street in Burnaby. He is also not the same Dr. Tung-Yi Wu who currently practises on Cambie Street in Vancouver.*

August 7, 2013

VANCOUVER, B.C. The College of Dental Surgeons of British Columbia (CDSBC) has seized a significant amount of dental equipment from a man who appears to have been practising dentistry illegally. The equipment and material seized may not have been cleaned or sterilized properly and much of it may not meet Health Canada standards.

CDSBC was alerted when a woman who said she was a patient of Tung Sheng Wu (also known as David Wu) complained about the treatment she received from him. The College determined he was not a registered dentist and hired a private investigator to conduct surveillance at a residence on Southwood Street in Burnaby.

The investigation provided evidence that Mr. Wu was practising dentistry illegally. CDSBC sought a court order to enter the premises to gather evidence to obtain an injunction to stop him practising and to confiscate any dental equipment and supplies. CDSBC investigators and the RCMP entered the residence on May 29, 2013 and found a dental office in a bedroom, along with approximately 1,500 client files.

Mr. Wu's dental practice did not meet CDSBC's requirements for infection prevention and control. Fraser Health Authority is issuing a health alert and recommending that anyone who has been treated by Mr. Wu get tested for Hepatitis B virus, Hepatitis C virus and human immunodeficiency virus (HIV).

Mr. Wu may have been practising as far back as the 1990s. Prior to

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[Sedation  
Questionnaire for  
Dentists](#)

[Sleep Apnea  
Guideline For  
Consultation](#)

[Unauthorized  
practice shut down  
by CDSBC](#)

[Warning: fraudulent  
email to BC dentists](#)

[Working at CDSBC](#)

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practice shut down by CDSBC](#)

the Burnaby location, he operated out of a residence in Port Moody.

While its primary role is to monitor the conduct and competence of its registrants, CDSBC will also take action to protect the public from illegal practitioners. The illegal practice of dentistry presents a risk to public health and safety because there are no assurances that the practitioner is appropriately trained or competent to provide the services of a dentist.

Members of the public can use CDSBC's online directory of dentists to check that their dentist is registered to practise in B.C.

Mr. Wu allegedly relied on word-of-mouth referrals, specifically within the Chinese-Canadian community.

###

#### QUOTES

Dr. Michelle Murti, Medical Health Officer, Fraser Health Authority  
"Because Mr. Wu was not a licensed dentist and because he was not following the infection control procedures expected of a licensed dentist, we believe there is sufficient risk of exposure to bloodborne viruses to recommend testing for all clients."

Dr. Peter Stevenson-Moore, President, College of Dental Surgeons of BC

"All dentists registered with CDSBC are required to adhere to the standards we set for quality patient care. The material seized from Mr. Wu's residence does not come close to meeting our standards for infection control, which leads us to believe that he has put his clients' health at risk for his own gain."

Jerome Marburg, Registrar/CEO, College of Dental Surgeons of BC  
"Mr. Wu is neither licensed nor competent to practice dentistry. If you received treatment from him, we urge you to visit a real dentist to have any unsafe materials he used removed and to get proper dental treatment."

#### FOR MEDIA INQUIRIES PLEASE CONTACT:

College of Dental Surgeons of BC  
Anita Wilks, Senior Manager of Communications  
awilks@cdsbc.org  
Office: 604-736-3621  
Cell: 604-561-5125

Fraser Health Authority  
Media Pager: 604-450-7881  
media@fraserhealth.ca

[PRIVACY POLICY](#) | [SITEMAP](#)

Suite 500 • 1765 West 8th Avenue | Vancouver BC | V6J 5C6  
604-736-3621 (Vancouver) | 1-800-663-9169 (BC) | [info@cdsbc.org](mailto:info@cdsbc.org)

© The College of Dental Surgeons, 2013

4

This is Exhibit "B" referred to in the  
affidavit of Alexander W. Penner  
sworn before me Carol Wiseman  
this 12 day of August, 2013.  
A COMMISSIONER FOR TAKING  
AFFIDAVITS FOR BRITISH COLUMBIA

## HEALTH ALERT: Medical Health Officers warn public of potential exposure to serious viruses due to identification of unlicensed dental practitioner

Fraser Health is alerting the public that Tung Sheng Wu (also known as David Wu) has been performing dental procedures illegally. Based on the College of Dental Surgeons of B.C.'s investigation, instruments used were not properly cleaned or sterilized, therefore there is a chance that individuals who have received dental procedures from Mr. Wu could have been exposed to blood-borne viruses.

### Get tested

As a precaution, it is recommended that all clients of Mr. Wu get tested for Hepatitis B virus, Hepatitis C virus and Human Immunodeficiency Virus (HIV). Testing is completed by a simple blood test.

### Contact our toll-free hotline

We are asking that everyone who has ever received treatment from Mr. Wu to please contact a public health nurse through our toll-free hotline at 1-855-895-7425. The public health nurse will provide you with information about testing. If you do not have provincial health care coverage, you can arrange to have this testing done for free from public health by calling the hotline.

You may be asked to leave a voicemail when you call the Hotline. Please do so in any language, and your call will be returned. The Hotline is monitored Monday to Friday 8:30 -4:30. If you call over the weekend, please leave a message and we will return your call on Monday.

**All calls are confidential and Fraser Health will not release personal information to any other sources.**

Where client records are available, letters are being sent to alert clients of their potential exposure and advising them to contact public health.

### Tung Sheng (David) Wu

**Tung Sheng Wu (aka David Wu) is not a real dentist** and is neither qualified nor competent to practise dentistry. He has never been registered with the College of Dental Surgeons of B.C. and is unrelated to any of the Dr. Wu's who have or are registered with the College. He is **not the same Dr. David H. Wu** who formerly practised out of an office on Hastings Street in Burnaby. He is also **not the same Dr. Tung-Yi Wu** who currently practises on Cambie Street in Vancouver.

### Potential exposure to viruses

HEPATITIS B

Hepatitis B is a preventable liver disease. It ranges in severity from a mild illness, lasting a few weeks, to a serious long-term illness that can lead to liver disease or liver cancer.

About ninety per cent of adults who become infected with hepatitis B completely recover from the infection after approximately six months. During this time of acute infection, people can either be symptom free or get sick with signs and symptoms such as: feeling very tired, mild fever, headache, not wanting to eat, feeling sick to your stomach or vomiting, belly pain, diarrhea or constipation, muscle aches and joint pain, skin rash and yellowing of the skin and eyeballs (jaundice).

Find more information about Hepatitis B.

#### HEPATITIS C

Hepatitis C is a preventable disease of the liver. Symptoms of acute hepatitis C infection can include: feeling very tired, joint pain, belly pain, itchy skin, sore muscles, dark urine and yellowing of the skin and eyeballs (jaundice). Since symptoms are commonly absent many people are unaware that they have hepatitis C until some time after they have been infected.

It is important to recognize that hepatitis C can cause a variety of symptoms that are highly variable – people with chronic hepatitis C can feel fine and have no symptoms, however others will suffer from quite severe symptoms.

Find more information about Hepatitis C.

#### HIV

HIV (Human Immunodeficiency Virus) is a virus that attacks the immune system, the body's natural defense system. Without a strong immune system, the body has trouble fighting off disease. Both the virus and the infection it causes are called HIV.

White blood cells are an important part of the immune system. HIV invades and destroys certain white blood cells and if too many white blood cells are destroyed, the body can no longer defend itself against infection.

Without treatment, HIV infection progresses and when advanced, AIDS (Acquired Immunodeficiency Syndrome) can develop. Having HIV does not mean you have AIDS. Even without treatment, it takes a long time for HIV to progress to AIDS—usually 10 to 12 years. If HIV is diagnosed before it becomes AIDS, medicines can slow or stop the damage to the immune system and AIDS may not develop. With treatment, many people with HIV live long and active lives.

Find more information about HIV.





500 – 1765 West 8th Avenue  
Vancouver BC Canada V6J 5C6  
www.cdsbc.org

Phone 604 736 3621  
Toll Free 1 800 663 9169  
Fax 604 734 9448

### Complaint File Telephone Log

(Dr. Alex Penner)

File: 102645 (Mr. Wu / CDSBC)

Date: August 8, 2013

Name: [REDACTED]

Phone in: ✓

#### Summary of discussion:

I received a telephone call from Ms. [REDACTED] the daughter of Ms. [REDACTED] Ms. [REDACTED] informed me that her mother had received a call from Mr. Wu approximately two weeks ago advising that he would contact her soon to continue treatment with her for her dentures. Ms. [REDACTED] provided the address where Mr. Wu was operating from as 2546 Dahlia Court in Coquitlam. The back door is being used as the entrance. She added that the house may technically be located in Port Moody as it is close to the border between the two communities. She provided two phone numbers for Mr. Wu - (c) 778-828-6079 and (h) 604-945-8837.

Ms. [REDACTED] stated that Mr. Wu has treated her mother for some time. He has performed fillings and extractions and provided dentures for her. She is concerned about the risk of infection. I explained that the risk is small but that her mother should go to her physician, inform him of the situation and request testing. I advised her that if she did not have a physician, she should contact Vancouver Coastal Health to arrange testing.

I informed Ms. [REDACTED] that we would likely contact her again. Her phone number is [REDACTED]

This is Exhibit "C" referred to in the  
affidavit of Alexander W. Penner  
sworn before me Carmel Wiseman  
this 12<sup>th</sup> day of August, 2013.  
A COMMISSIONER FOR TAKING  
AFFIDAVITS FOR BRITISH COLUMBIA



This is the 1st Affidavit  
of C. Wall in this matter  
and was made on 10/Aug/2013

No. L-031494  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

COLLEGE OF DENTAL SURGEONS OF BRITISH COLUMBIA

PLAINTIFF

AND:

TUNG SHENG WU also known as DAVID WU

DEFENDANT

**AFFIDAVIT**

I, Catherine Wall, of 45470 Menholm Road, Chilliwack, Province of British Columbia,  
AFFIRM AS FOLLOWS:

1. I am a public health nurse employed by the Fraser Health Authority (the "FHA"), and as such have knowledge of the matters and facts here and after deposed to save where stated to be made upon information and belief and where so stated I verily believe the same to be true.

**The FHA**

2. The FHA is a public body that provides integrated health care services to people in a number of communities in the lower mainland. One of the FHA's functions is to notify the public of potential risks of exposure to viruses or other unsafe conditions.
3. I am informed by Dr. Michelle Murti, Medical Health Officer for the FHA, and verily believe that she was contacted by the College of Dental Surgeons of British Columbia (the "College") regarding a risk of infection transmission caused by an

unlicensed person practising dentistry from a residence. I understand that the College believes that person is Mr. Tung Sheng (David) Wu, the Defendant in these proceedings, and that the residence is located at 4319 Southwood Street in Burnaby.

4. I am further informed by Dr. Murti and verily believe that FHA and the College jointly agreed to notify the public about this risk. Public notification occurred on August 7, 2013.

#### **Public Notification/The Hotline**

5. Given the risks to public health identified by the FHA, the FHA implemented a dedicated telephone "hotline" for people who may have been treated by Mr. Wu (the "Hotline"). The objective is to allow all people who may have been exposed to blood-borne pathogens to access free testing for Hepatitis B, Hepatitis C, and HIV.
6. As part of the FHA's public notification, all people who may have been treated by Mr. Wu were encouraged to call the Hotline. The number for the Hotline is 1-855-895-7425.
7. The Hotline was accessible to the public immediately following the FHA's public notification on August 7. As part of my duties as a public health nurse for the FHA, I was assigned to receive telephone calls placed to the Hotline.
8. I received a number of telephone calls from patients concerning Mr. Wu. In particular, on August 8, 2013, I received three telephone calls which indicate that Mr. Wu may have continued to provide treatment to his patients even after the College executed the search of Mr. Wu's Burnaby premises on May 29, 2013.
9. Telephone calls to the Hotline concern sensitive personal information, and are placed in confidence. For this reason, I will refer to callers anonymously to protect their privacy. I will describe the content of three specific calls below, but will refer to the callers only as "Ms. A", "Ms. B", and "Mr. C".

**Ms. A**

10. On August 8, 2013, I answered a telephone call from Ms. A on the Hotline. Ms. A advised me that her husband saw Mr. Wu two weeks ago to get his braces.
11. I asked Ms. A if she recalled the location where her husband saw Mr. Wu. She declined to provide the address, but stated that the location was different than the one in the news. I understood this to mean that her husband had seen Mr. Wu at a location other than the aforementioned Southwood Street address.
12. While on the phone with Ms. A, she spoke to someone off the line, and then advised me that she would have to call back. I have not received a subsequent call from Ms. A.

**Ms. B**

13. On August 8, 2013, I answered a telephone call from Ms. B on the Hotline. Ms. B advised me that her mother had seen Mr. Wu for dental treatment for many years, but most recently she had received dentures from him.
14. Ms. B stated that her mother had told Ms. B that she received a telephone call from Mr. Wu approximately two weeks ago, to advise that the mother's dentures would be ready to be picked up from him at the end of July 2013. Ms. B gave an indication that the mother's dentures were apparently being ordered from Taiwan.
15. Ms. B provided me with the number from which this telephone call was received from Mr. Wu: 778-828-6079. Ms. B also provided an address for Mr. Wu: 2546 Dahlia Court. Ms. B stated that Mr. Wu was renting the basement suite of the residence at this address, and would not show up as the registered owner.
16. Ms. B further advised that she had personally tried to reach Mr. Wu but that her telephone calls were not answered. Ms. B stated that her mother, on the other hand, does not have difficulty contacting Mr. Wu. Ms. B stated that this made her think that Mr. Wu knows the phone numbers of his patients and doesn't answer incoming telephone calls from unknown phone numbers.

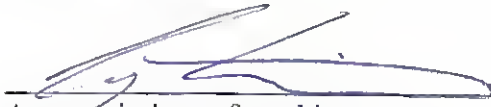
**Mr. C**


17. On August 8, 2013, I answered a telephone call from a young man, Mr. C, on the Hotline.
18. Mr. C advised me that he had personally received braces from Mr. Wu. Mr. C stated that Mr. Wu came to Mr. C's home on July 20, 2013 to make an adjustment on Mr. C's braces.

**Nature of the Calls**

19. The Hotline was established for an important public health purpose. In my experience answering calls on the Hotline, members of the public appear to take it seriously and generally do not phone it with misinformation.
20. Specifically, with respect to the telephone calls I received from Ms. A, Ms. B, and Mr. C, I believe that each of these calls was made honestly and sincerely. I believe that each of Ms. A, Ms. B, and Mr. C provided me with information that they believed to be true.
21. The information I received from Ms. A, Ms. B, and Mr. C leads me to believe that Mr. Wu may be continuing to provide dental treatment to members of the public.

SWORN BEFORE ME at LANGLEY )  
 British Columbia, on the 10<sup>th</sup> day )  
 of August, 2013 )

  
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 A commissioner for taking )  
 affidavits for British Columbia, )  
 Gregory A. Cavouras )

  
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 CATHERINE WALL )